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HOUSE BILL 424

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

James G. Taylor

AN ACT

**RELATING TO PUBLIC PROPERTY; ALLOWING THE SALE OF PROPERTY BY
NEGOTIATED SALE TO OTHER PUBLIC BODIES OR PRIVATE PERSONS;
RECONCILING MULTIPLE AMENDMENTS IN LAWS 2001.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-6-2 NMSA 1978 (being Laws 1979, Chapter 195, Section 3, as amended by Laws 2001, Chapter 291, Section 9 and also by Laws 2001, Chapter 317, Section 2) is amended to read:

"13-6-2. SALE OF PROPERTY BY STATE AGENCIES OR LOCAL PUBLIC BODIES-- AUTHORITY TO SELL OR DISPOSE OF PROPERTY-- APPROVAL OF APPROPRIATE APPROVAL AUTHORITY. --

A. Providing a written determination has been made, a state agency, local public body, school district or state educational institution may sell or otherwise dispose of real

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1 or tangible personal property belonging to the state agency,
2 local public body, school district or state educational
3 institution. Disposal of ~~[real-er]~~ tangible personal property
4 under this section shall be:

5 (1) by negotiated sale or donation to an
6 Indian nation, tribe or pueblo in New Mexico ~~[er]~~;

7 (2) by negotiated sale or donation to other
8 state agencies, local public bodies, school districts or state
9 educational institutions ~~[er]~~;

10 (3) through the central purchasing office of
11 the governmental entity by means of competitive sealed bids,
12 negotiated sale or public auction; or

13 (4) if a state agency, through the federal
14 property assistance bureau of the general services department.

15 B. A state agency shall give the federal property
16 assistance bureau of the general services department the right
17 of first refusal to dispose of tangible personal property of
18 the state agency. A school district may give the department
19 the right of first refusal to dispose of tangible personal
20 property of the school district.

21 C. Except as provided in Section 13-6-2.1 NMSA 1978
22 requiring state board of finance approval for certain
23 transactions, sale or disposition of real or tangible personal
24 property having a current resale value of more than five
25 thousand dollars (\$5,000) may be made by a state agency, local

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1 public body, school district or state educational institution
2 if the sale or disposition has been approved by the state
3 budget division of the department of finance and administration
4 for state agencies, the local government division of the
5 department of finance and administration for local public
6 bodies, the state department of public education for school
7 districts and the commission on higher education for state
8 educational institutions.

9 D. Prior approval of the appropriate approval
10 authority is not required if the tangible personal property is
11 to be used as a trade-in or exchange pursuant to the provisions
12 of the Procurement Code.

13 E. The appropriate approval authority may condition
14 the approval of the sale or other disposition of real or
15 tangible personal property upon the property being offered for
16 sale or donation to a state agency, local public body, school
17 district or state educational institution.

18 F. The appropriate approval authority may credit a
19 payment received from the sale of such real or tangible
20 personal property to the governmental body making the sale.
21 The state agency, local public body, school district or state
22 educational institution may convey all or any interest in the
23 real or tangible personal property without warranty.

24 G. A state agency, local public body, school
25 district or state educational institution may sell or otherwise

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1 dispose of real property:

2 (1) by negotiated sale to any governmental
3 unit of an Indian nation, tribe or pueblo in New Mexico;

4 (2) by negotiated sale or donation to other
5 state agencies, local public bodies, school districts or state
6 educational institutions; or

7 (3) through the central purchasing office of
8 the state agency, local public body, school district or state
9 educational institution by means of competitive sealed bid,
10 public auction or negotiated sale to a private person.

11 [~~G.~~] H. This section shall not apply to:

12 (1) computer software of a state agency;

13 (2) those institutions specifically enumerated
14 in Article 12, Section 11 of the constitution of New Mexico;

15 (3) the New Mexico state police division of
16 the department of public safety;

17 (4) the state land office or the state highway
18 and transportation department; [~~and~~]

19 (5) property acquired by a museum through
20 abandonment procedures pursuant to the Abandoned Cultural
21 Properties Act; and

22 (6) leases of county hospitals with any person
23 pursuant to the Hospital Funding Act."